



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Klimko, et al.

Serial Number: 10/808,061

Confirmation Number: 4186

Filed: March 24, 2004

Examiner: Z. Fay

Group Art Unit: 1618

For: "Use of Proteasome Inhibitors to Treat Dry Eye Disorders"

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS Non-Fee Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this date:

September 19, 2005
Date: September 19, 2005
Jeanne Burke
Jeanne Burke

COMMUNICATION

MS Non-Fee Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 9, 2005, please consider the following remarks.

REMARKS

Claims 1 – 4 are pending.

Claims 1 – 4 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 7, 8, and 9 of U.S. Patent No. 6,704,674 (sic). Applicants believe that this patent number contains a typographical error and that the Examiner's rejection is actually based on U.S. Patent No. 6,740,674 instead of 6,704,674. U.S. 6,740,674 issued based on the parent application of the subject application, whereas U.S. 6,704,674 relates to automobile seatbelts.

In response, Applicants submit the accompanying Terminal Disclaimer based on U.S. 6,740,674.

Applicants believe that the above remarks have placed Claims 1 – 4 in condition for allowance. Accordingly, allowance of the claims in this application is respectfully requested.

Respectfully submitted,

ALCON

Sept. 19, 2005
Date

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